

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

DONALD TUBB

PLAINTIFF

V.

CIVIL ACTION NO. 1:06CV349-D-D

**LEE COUNTY SHERIFF'S DEPARTMENT,
LEE COUNTY BOARD OF SUPERVISORS,
DEFENDANT A, DEFENDANT B AND OTHER
UNKNOWN DEFENDANTS**

DEFENDANTS

**ANSWER OF DEFENDANTS LEE COUNTY SHERIFF'S DEPARTMENT AND LEE
COUNTY BOARD OF SUPERVISORS TO COMPLAINT**

Defendants Lee County Sheriff's Department and Lee County Board of Supervisors respond to the Complaint as follows:

FIRST DEFENSE

The Lee County Sheriff's Department is not an entity which is subject to suit under state or federal law.

SECOND DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

THIRD DEFENSE

Answering the Complaint paragraph by paragraph these Defendants state as follows:

1. These Defendants admit the allegations of Paragraph 1 of the Plaintiff's Complaint.
2. These Defendants deny the allegations of Paragraph 2 of the Plaintiff's Complaint.
3. These Defendants admit the allegations of Paragraph 3 of the Plaintiff's Complaint.

4. These Defendants admit the allegations of Paragraph 4 of the Plaintiff's Complaint.

5. These Defendants admit the allegations of Paragraph 5 of the Plaintiff's Complaint.

6. These Defendants deny the allegations of Paragraph 6 of the Plaintiff's Complaint.

7. These Defendants admit that Plaintiff was arrested by an officer acting within the scope of his employment as a deputy sheriff of the Lee County Sheriff's Department.

8. These Defendants deny the allegations of Paragraph 8 of the Plaintiff's Complaint.

9. These Defendants deny the allegations of Paragraph 9 of the Plaintiff's Complaint.

10. These Defendants admit the allegations in Paragraph 10 of the Plaintiff's Complaint.

11. These Defendants deny the allegations in Paragraph 11 of the Plaintiff's Complaint.

12. These Defendants deny the allegations in Paragraph 12 of the Plaintiff's Complaint.

Respectfully submitted, this the 19th day of February, 2007.

**LEE COUNTY SHERIFF'S
DEPARTMENT AND LEE COUNTY
BOARD OF SUPERVISORS, Defendants**

**BY: /s/ William C. Murphree
WILLIAM C. MURPHREE, MSB #3661
GARY L. CARNATHAN, MSB #5878**

OF COUNSEL:

MITCHELL, MCNUTT & SAMS, P.A.
105 S. FRONT STREET
P.O. BOX 7120
TUPELO, MISSISSIPPI 38802
(662) 842-3871
(662) 842-8450 FAX
bmurphree@mitchellmcnutt.com

CARNATHAN, MALKI & MCAULEY
P.O. DRAWER 70
TUPELO, MISSISSIPPI 38802
(662) 842-3321
(662) 842-3324 FAX
carnathanlaw@redmagnet.com

CERTIFICATE OF SERVICE

I, William C. Murphree, one of the attorneys for the Defendants, Lee County, do hereby certify that I have this day electronically filed the above *Answer of Defendants Lee County Sheriff's Department and Lee County Board of Supervisors to Complaint* with the Court and served on the Plaintiff by United States Mail, first class, postage pre-paid, addressed as follows:

Mr. Donald Tubb
126 CR 855
Shannon, MS 38868

THIS, the 19th day of February, 2007.

/s/ William C. Murphree
WILLIAM C. MURPHREE